

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:10CR62
)	
v.)	
)	
JAMES LEE LIVINGSTON,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on the findings and recommendation and order (Filing No. [28](#)) of the magistrate judge, recommending that defendant's motion to suppress (Filing No. [15](#)) be granted in part and denied in part.

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the matter *de novo*, including defendant's statement of objections (Filing No. [36](#)), plaintiff's statement of objection (Filing No. [31](#)), and briefs in support of and in opposition to the motion, as well as the transcript of the hearing (Filing No. [30](#)). The findings and recommendation of the magistrate judge will be approved and adopted and defendant's motion to suppress will be denied. Accordingly,

1) The findings and recommendation of the magistrate judge are approved and adopted.

2) Defendant's motion to suppress is granted as to the items found during the search of defendant's home. The motion is denied in all other respects.

3) Trial of this matter is scheduled for:

Monday, September 27, 2010, at 9 a.m.

Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. This will give the parties time to prepare for trial or pursue plea negotiations, and will accommodate the schedule of the Court. The ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between August 19, 2010, and September 27, 2010, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 19th day of August, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court